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Judge Delays CIA Motion Ruling

BALTIMORE, May 14 — Whose cloak and dagger must a spy wear if he's working in the continental United States?

That question was raised yesterday by lawyers for Eerick Heine, who is suing a Central Intelligence Agency man for slandering him among their fellow Estonian refugees.

In a hearing in Baltimore Federal Court, Judge Roszel Thomsen was supposed to hear arguments that the CIA agent, Juri Raus, of Hyattsville, had "absolute privilege" to carry

out his orders to tell Estonian groups that Mr. Heine was "a dispatched Soviet intelligence operative and a KGB agent," and thus the \$110,000 suit should be dismissed.

But the judge discovered that some of the ground rules were not clear, and gave lawyers on both sides until July 23 to swap a series of briefs laying out the argument.

Ernest Raskauskas and Robert Stanford, representing Mr. Heine, who says he has been a life-long anti-communist,

argued that the law "clearly gives the Federal Bureau of Investigation control over matters of internal security."

"The CIA has no statutory right to run around the United States in the Knights of Columbus, the Masons, or Estonian Veterans subverting those groups among one another," Mr. Raskauskas said.

He added that "Issuance of an order to make defamatory statements was not contemplated in the statute" granting immunity to certain

employees of the Federal government.

Paul Connelly, representing Mr. Raus, retorted that foreign emigre groups are sources of intelligence for the CIA, and thus, the agency had the "right to warn them there was an intrusion in their ranks."

He said even if the case is allowed to go to trial, he would claim "qualified privilege" on behalf of his client because of his position as general chairman of the Legion of Estonian Liberation.

Judge Thomsen said the argument "raises the whole question of the right of the Government to engage in intelligence activities and whether the same rules apply as in everyday activities."

Grinning as he left the bench, he added, "Surely if it is anything like what we see spies doing on television, there are very few rules."